DEPUTY ASSESSOR WINS HIS CASE IN DISTRICT COURT

But County Commissioners Will Appeal to the Supreme Court of the State-Judge Harris Decides That County Board Cannot Confirm Appointments at the Pleasure of the Board—Commissioners Feel That the Decision Is Not in Line With Economy or Efficiency.

The mandamus case of J. A. Ma-The mandamus case of J. A. Mathews against Weber county came
up for final hearing in Judge N. J.
Harris' division of the district court
month made, he had been ill and that this morning, the court granting the writ which requires that the county board of commissioners shall be the county be the county be the county board of commissioners shall be the county be th board of commissioners shall pay a salary amounting to \$42 for work done in the county assessor's office by the plaintiff, a deputy assessor, in October of last year. The commissioners stated, after the decision, that the case will be appealed to the supreme court. preme court.

The decision on the case hinged almost exclusively on a question of law as none of the facts in the case were in controversy. In the early part of the year the county commissioners confirmed the appointment of the plaintiff as deputy county assessor and fixed the salary at \$3 a day "at the pleasure of the board." For a time, in the summer months, there was not sufficient work in the office to require the services of all the deputies and some of them were not call ed to the office by the assessor. In October, however, the assessor advised the board that he had placed at work Deputies Mathews and Gibson on certain blotters at the regu-

At that time the commissioners passed a resolution to the effect that the work could be done by the assessor himself and that there was no necessity for the services of the depu-ties alleging that Assessor Mathews was not attending to the duties of the office and that he should do the work himself. The board refused to endorse the action of the assessor and when the claims of the deputies for their salaries were presented, payment was refused. Then one of the deputies, J. A. Mathews, brother of the assessor, commenced mandamus proceedings to compel the board of county commissioners to pay his

In his ruling this morning, Judge Harris stated that, under the law, there could be no confirmation of appointments "at the pleasure of the board" and that there could be "no limitations" to the confirmations, except as prescribed by law. The court stated however, that the county commissioners might regulate the salary of a deputy, but that they could not well abolish it nor could the board dispense with the services of deputies called into the office by the prin-

cipal.
"If this could be done," the court continued. "the board of county commissioners could finally abolish our county government."

It was said after the proceedings. by Judge Harris, that in his opinion, if the county commissioners desired to restrict the county assessor in the number of his deputies at particutimes, confirmations of deputies could be made for shorter periods and that they could legally refuse to confirm the appointment of deputies at times when the board considered they were not needed. It would then be up to the assessor to courts the necessity for the services of deputies.

Speaking of the decision, Commissioner Hunter stated that neither he nor the other members of the board were satisfied with it and that the question would be taken to the supreme court for a ruling.

"It seems to me," he said, "that it leaves the board of commissioners in a position without much authority in the regulation of county affairs. If we cannot exercise power in the matter of seeing to it that all the offices of the county are propertly conducted and regulate them on the basis of economy and efficiency there is not much for us to do, and we feel that the matter should be set tled at this time The board of commissioners has at heart the best good of the county, nothing more, and the members have considered all time that they were acting within the scope of the law when they undertook to curtail expenses in assessor's office."

WM. ECCLES SAYS

Last evening, in Judge J. A. Howell's court, William Eccles appeared the Reed hotel, where a suite of to show cause why he should not be rooms has been reserved for him. punished for contempt of court in

MONDAY, MARCH 15.

ORPHEUM

WEDNESDAY EVENING, MARCH 18

RETURN ENGAGEMENT, BY POPULAR DE-MAND, OF THIS SEASON'S SUPREME SENSATION

Margaret Illington
IN BAYARD VEILLER'S WORLD-WIDE SUCCESS

With the same splendid supporting cast and elaborate

production that scored a positive triumph here earlier

this season. PRICES 50c TO \$2.00. SEAT SALE

\$20 a month from December, 1911, to the present time. It was agreed by counsel for the parties that deposi tion of William H. Eccles should be submitted to the court and that a decision be given at a future time.

The financial report of City Auditor A. F. Larson for the month of February shows that the expenditures exceeded the receipts in the sum of \$1,325.55, the greater receipts and expenditures being in the department of public affairs and finance, water supply and water works. The next heaviest expenditure was in the street department, the amount being

A recapitulation of the report fol

Department of public affairs ...\$37,329.32 6.392.22 and waterworks Department of public safety Department of streets and public improvements, parks and public property

Total receipts Expenditures.
Department of public affairs and finance Department of water supply and waterworks Department of streets and improvements, parks and public property 6,404.48

Total expenditures\$46,004.01

on hand, February 1,

1914

propriation ... 500.00 Disbursements. Pay roll\$270.00 Miscellaneous claims 22.20 Cash on hand February 28,

DOCUMENTAL CON THE PHEPAKING ENCAMPMENT OF THE G. A. R.

R. Ohler of Salt Lake, state commander of the G. A. R. was in Ogden last night attending a social and meeting of Dix-Logan post. During the evening he presented an invitation to the local veterans to attend the events which will take place in Salt Lake in honor of National Commander Gardiner, next Monday. The event is being directed by the Salt Lake Elks' lodge and will include a number of different kinds of entertainment.

The Utah State encampment, which is to be held in Ogden next Saturday, was the principal topic of discussion at the meeting last night as the guest of honor will be National Com-mander Washington Gardiner and a large number of veterans from different parts of the state are expected to be in attendance. The national commander is expected to arrive in Ogden, Friday at midnight. He will be met at the train by a committee from Dix-Logan post and escorted to

Early Saturday morning, if weather not paying alimony for the support conditions are favorable, he will be of a minor child, in the divorce case taken for an automobile ride through of Maud F. Eccles against William Ogden canyon and around the city Eccles, and he testified in his own returning in time for the opening of behalf to the effect that he was the encampment, which will be at 11 not financially able to pay the a.m. The meeting will be held in the amount. Mr. Eccles stated that, at divers welcome will be made by Mayor A

G. Fell and an address in response will be made by Commander Gardiner. After this there will be a "closed session," at which the business of the encampment will be done. In the afternoon, conventions of the Women's Relief Corps and the Ladies of the G. A. R. will be held; the former in the Eagles hall on Hudson avenue and the latter in the I O. O. F. hall in the Fraternity block From 6 to 7:30 o'clock dinner will

be served at the Reed hotel at which the guests will be National Commander and his staff, the new state com mander and his staff and the local Later in the evening the principa:

social event will take place at the Woodmen of the World hall. This will be a "campfire" to which the general public is invited. At the meeting last night the local

encampment.

People generally are requested to display the flag. Program of the Day. The program of the day in detail

will be as follows 9:30 a, m., Automobile ride through Ogden canyon and to other points 11:30 a. m., Meeting at W. O. W.

Address of Welcome, Mayor A. G. Response, National Commander

12:15 p. m., Adjournment for luncheon. 2 p. m., Reports of committees, election and installation of officers.

7:30 p. m., "Camp fire" program. Remarks by prominent veterans. Song, "Old Flag Forever". Address ... Comrade E. T. Hulaniski

Song, "Oh- See Our Banner Floating O'er Us" (C. B. Holding)...
Mrs. Grace Russell-Bartlett
AddressHon. A. R. Heywood
Songs, "The Flag Without a Stain"
(C. A. White); "The Sword of
Bunker Hill" (B. Covert); "My

Dream of the U. S. A." (Synder)
.... J. W. Ramey Address, National Commander Washington Gardner. Hymn, "God Keep You Till We

"Within the Law," Bayard Veiller's human interest drama of a daring clety, which is the reigning theatri-cal triumph in New York, Chicago. One of the best dramatic playlets cal triumph in New York, Chicago, London and far-off Australia, is the presented to Empress patrons is said vehicle in which Margaret Illington to be embodied in "The Fighter and will make her reappearance in this the Boss," the added feature attraccity at the Orpheum, Wednesday,

OGDEN TEAM

the Ogden baseball team at Glenwood use when the team starts training the average theatregoer. ers every possible comfort. One of the features will be the installation of individual lockers for the men and their property will be well taken care of while the games are being played.

"Dad" Gimlin is spending considerable time on the grounds nowadays, superintending the work of getting them in good shape for the game with the White Sox, which is scheduled for March 31st. A number of improvements are also being made for the benefit of the patrons of the game. The grandstand and bleachers are being overhauled and put in good condition and the automobile entrance has been made much more convenient. The location of 'press" box will be changed and this season it will be at the north end of the grandstand instead of directly in front of it.

Manager Gimlin sald today that he expected the contracts of two more new men in a day or two, but would not give out their names as he does not feel sure of them.

Gimlin is making arrangements for an exhibition game for the Sunday following the appearance of the White Sox, so that the "fans" may look for a game every Sunday

OF A FAST BY WINSTON

W. C. Winston, the negro who is trying the "fast" cure for disease, has reached the thirty-third day of a

self-imposed fast of four days. said that he was feeling better every day and the signs of a disordered system were fast disappearing. He said that he was still working at his trade as a tamale vendor, but that he felt grading improvements on Van Buren weak when he overdid himself in

of people who were curious to know the effect the long abstinence from food is having

He says that he will go over the He says that he will go over the at the wool sales today amounted to 40-day period if he is not restored to 13,866 bales. Merinos were as dear complete good health by that time.

Read the Classifled Ads.

The home of Judge H. H. Rolapp. 2522 Madison avenue, was damaged by fire yesterday afternoon to the estimated extent of \$2500. The chief damage was the burning of books and manuscripts in the judge's law library but considerable damage was also done to the interior decorating and woodwork of several of the rooms. Two attic rooms were badly burned and a part of the roof was burned to an extent that it will require re-

shingling.
The fire was discovered by members of the family and the fire department was immediately called At-ter the wagons arrived the men worked from the inside of the house with chemicals and from the outside with

water until the fire was put out.

The exact origin of the fire, which was discovered at 3:30 o'clock, has not been determined. The firemen are inclined to believe that it resulted from sparks firing the roof, while members of the Rolapp family think it was caused by defective electrical wiring. Mr. Rolapp and the members of his family will not be able to occupy the residence until extensive repairs have been made. the house and furniture is covered by

\$1.00-A-MINUTE

Maude is her name and she is at the Orpheum this week for three days. The wisest mule in the world and she defies anybody to ride her. The manager of the big comedy act "A Day at the Circus" offers \$1.00 a minute to anybody who can stick to Maud's back. "A Day at the Circus," which is said to be the best imitation of a real circus ever attempted Meet Again" . Women's Relief Corps the stage. There are ponies, a donkey and many other fea-tures of the big tent. Here the audience will become better acquainted. however, with Bessie, the most as-toundingly educated mule in vaude-ville, and Spot, the great high diving somersault dog Joe Whitehead, the artistic ex-

ponent of foolishness, is one of the best known comedians on the Amer young women who defeated the law ican stage, and has a bunch of squirthat made her an outcast from so- rel food, as he calls it, that is a

tion this week. The story is tense, thrilling and artistically presented by Mr. Milloy and George Mackey.

Katherine Klare is a human Irish thrush and from her throat emanates the sweet songs of dear old Irelana. There are no songs so tender and no melodies so plaintively sweet as those originating on the Emerald Isle, and, it is said, they have never been more beautifully sung than by Miss Klare, who will be a feature of the coming week's bill Barton and Lovera will furnish one

of the treats of the new bill in their act of fun, frolic and frivolity This couple have a new line of talk and chatter that pleases the most blase. Work on the new club house for bed "The Talkative Trickster," will prove a delightful number. Magic of the Ogden baseball team at Glenwood the Sylvester variety is both novel has been started and will be rushed and entertaining. He has several so that the place will be ready for new tricks of magic that will startle

later in the month. The club house is in the east end of Glenwood park of the fundest situations ever seen of the fundest situations ever seen in a motion picture will appear in the "Riot," to conclude the excellent bill

SUPERINTENDENT OF PARKS

A resolution presented to the city by Mayor Fell providing that Commis-sioner T. Samuel Browning shall act as superintendent of parks and public property was passed by a unanimous vote.

improvement, parks and public property are so great that it will be impos-sible for him to take care of the Setting the stretcher on the long sible for him to take care of

organization of the city board in that Chris Flygare becomes superintendent of public improvements, only, of howles and groans. which includes all street work, and Commissioner Browning will be suand public property, the mayor's du-ties of superintendent of finance and ter works remaining the same.

It is stated in the resolution that the reorganization became necessary because of the resignation the members of the board of park commission-

Reporting on the petition of property owners for removal of a dam in said that, in order to stir the heart the Ogden river near the Southern Pacific bridge, City Attorney Valentine movements, words are ever inadeelf-imposed fast of four days. cific bridge, City Attorney Valentine Winston lives at 172 Twenty-fourth Gideon today recommended that no street and when seen this morning action be taken. The report was adopted and the property owners' pe tition placed on file.

avenue, between Twenty-sixth Twenty-seventh streets, was referred He has been visited by a number to the engineering department for computation.

London, March 12.-The offerings as ever but cross breds were generally 5 per cent under the average All grades were readily sold



In Footwear for Ladies the New Styles are **Most Alluring**

It is a delightful service this season to show the ladies' footwear because the new styles are so pleasing, and the variety so very exceptional.

THE NEW SHAPES

The new shapes will be sure to cause they impart that desirable trim perfectly that they are comfortable from the very first.

You will find here a very strong display of patentssome models are even shown with patent heels. Cloth meet with your instant approval be- tops, especially in figured fabrics and fancy vestings are very much favored.

Novelty in heels is very marked and you will find our appearance to you, yet they fit so display includes such heels as the Louis Cuban and Kidney shapes.

Many desirable shoes are here in gunmetal and kid in models that will please the shopper who does not like

-	
One Lot	Foster regular \$4.00, \$4.50 and \$5.00 at\$1.49
One Lot	Foster regular \$4.00, \$4.50 and \$5.00 at\$1.98
One Lot	Red Cross regular \$4.00, \$4.50, and \$5.00 at\$1.75
One Lot	t Children's Shoes, size 51/2 to 8, at
One Lot	t Children's Shoes, 81/2 to 11, at
One Lot	t Children's Shoes, 111/2 to 2, at\$1.00
One Lot	t Misses' Shoes, 21/2 to 5, at
One Lot	Ladies' and Children's Shoes to close out at

The care with which we will serve your foot needs will please you immensely. Try this service now.

BURTS'

ELICALA DE MALO MARCO MARCO MARCO MARCO MARCO DE LA MARCO DEL LA MARCO DE LA MARCO DEL LA MARCO DE LA MARCO DEL LA MARCO DE LA MARCO DEL LA MARCO DE LA MARCO DE LA MARCO DE LA MARCO DEL LA MARCO DE LA MARCO DE LA MARCO DEL LA MARCO DE LA MARCO DE LA MARCO DEL LA MARCO DE

SPEAKER AT THE **ACADEMY**

The staff of the "Acorn," the official organ of the Weber academy stublack table, which served admirably board of commissioners this morning to excite curiosity. Then amid the tical grasp of history, and the far by Mayor Fell providing that Commission ominous silence of students and factories and swift perspectives ulty, four members of the staff, adorned in butcher's aprons, marched ing modern conditions held the proin with a stretcher on which apparently lay a defunct human, covered, The resolution relates that the du- all but a shock of towsly hair with ties of the superintendent of public a white sheet. A streamer on each side informed the observer that this

parks since the resignation of the table, the pall bearers produced some park commission, and for that reason formidable butcher knives and a meat the duty is assigned to the super-intendent of public safety. saw. They next uncovered a gigan tic foot, and proceeded to cut and tic foot, and proceeded to cut and The resolution changes, briefly, the back at "a corn," whereupon the corpse awoke, and entertained the audience with an artistic assortment

The audience interpreted the pan- Material for Fifty Indictments tomime to signify a necessary preparation of the "infant" for the perintendent of public safety, parks aration of the "infant" for the and public property, the mayor's ducorn seemed to prove refractory, so public affairs, water supply and wa- the surgeons proceeded to saw off the How this act is to help advertise the ball, save possible by anthe sis, no one seem yet able to explain The Rev. J. E. Carver was present by invitation to address the students ers, which occurred the early part of Commenting upon the pantomime this week. perience in his own college life and

Deeds only have that sovereign power. As a modern instances, he cited the army of the unemployed now helplessly stranded in California, yet determined to march on to Washington; also the late effective maneuver of the suffragists, who marched from New York to Washington to present their petition to the president.

The first rude beginnings of such great movements are rarely, if ever, successful in attaining the objects set out for, the reason being that fanaticism, not scientific judgment. is the animating spirit in them; which led the speaker to cite that marvelous movement set in motion

by Peter the Hermit, for the rescue early Christian church, and later the

While both of these movements were barren of results for civilization, they led to rich harvests later From the overwhelming waste of life and utter failure of its hordes under Peter the Hermit, came the Crusades, and better still the organization of the Dominican and Franciscan order of Monks which gave a power for righteousness to the Cathodent body, tried their hands at unique lic church which it never possessed pantonilme advertisement just before before; and from the apparently fu-the opening of devotional exercises tile and wasted lives of the hermit on Wednesday morning. In front of movement, came first monasteries, the stand had been placed a long then schools, and later hospitals. Rev. Carver evinced a deeply analy

reaching and swift perspectives which he drew by way of interpretfound attention of his audience for an hour.

in District Attorney's Office Placed Before Jury.

New York, March 12.-What the district attorney's office described as material for at least fifty indictments" alleging fraud against Henry Siegel and Frank E. Vogel, president and vice president, respectively of the Siegel Stores corporation, who were arrested yesterday on three in dictments and are now at liberty un der \$25,000 bail each, was placed in the hands of the grand jury today.

Assistant District Attorney Arthur Train said that as many indictments as the ends of justice seemed to require would be found against the merchant-bankers.

The indictments already found charge violation of the banking laws and grand larceny in making false statements to obtain credit Orders closing the two big New

York department stores operated by Henry Siegel and his partners were issued today by the federal court. Judge Hough directed that the receivers appointed December 30, when the Siegel enterprises went into bank-ruptcy, receive bids to March 21, for

The Fourteenth street store and of the Holy Land; also the generathe Simpson-Crawford store, among tions suffering martyrdom in the largest in the city, were the ones affected by the court order, wave of asceticism which carried the the receivership began they were al-noblest and best men in the ancient lowed to remain open and efforts church into the caves and hermit were made to re-organize them without interruption of business, in' the hope that the creditors would rear the best advantage by this method. The orders were granted today on application of the receivers and edi-

CALLED BY DEATH

Succumbs to Heart Trouble After Three Months' Illness -68 Years Old.

New York, N. Y., March 12.—George Westinghouse died here today.

A member of Mr. Westinghouse's staff said that he had been suffering with a heart complaint for three months. Latterly it grew worse and on Monday last he had a relapse which left him weak. Mr. Westinghouse is 68 years old.

Mr. Westinghouse was 68 years old and was perhaps best known as the inventor of the airbrake which bears his name and revolutionized railroading in this country. He was born at Central Bridge, N. Y., and received his early education in the common schools. He served in the civil war.

At his death he was the president of nearly thirty corporations. air brake which he inveted is used throughout the civilized world, and in almost every part of the glove are great plants which he founded.

ARE ARRESTED

Trinidad, Colo., March 12 .- As a result of a further investigation into the death of Neil Smith, non-union coal miner, whose body was found on a railroad track near Suffield Mon-day, a detail of cavalry today took into custody at Forbes, John Kotzman. William Watson, and Joseph Gill, the latter president of the Forbes miners' All are strikers the stock and assets of these stores union.